

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JUDITH RÉ,

Plaintiff,

v.

JODI R.R. SMITH, AND  
BARNES & NOBLE, INC.,

Defendants.

Civil Action No. 04-11385-RGS

**AFFIDAVIT OF ERIK W. KAHN**

I, Erik W. Kahn, hereby depose and state:

1. I am a Partner at the law firm of Bryan Cave LLP, which represents the Defendants in the above-captioned matter. I make this affidavit in support of Defendants' Motion for Summary Judgment solely to authenticate certain documents produced or generated in this matter, including excerpts from depositions taken herein and exhibits thereto.

2. Appended hereto as **Exhibit A** is a true and accurate copy of the Complaint, without exhibits, from Plaintiff in the above-captioned matter.

3. Appended hereto as **Exhibit B** is a true and accurate copy of the Answer from Defendants in the above-captioned matter.

4. Appended hereto as **Exhibit C** are true and accurate copies of the cited pages from the Transcript of the Deposition of Judith Ré, which testimony was taken on November, 4, 2004 in the above captioned matter.

5. Appended hereto as **Exhibit D** are true and accurate copies of the cited pages from the Transcript of the Deposition of Hallie Einhorn, which testimony was taken on November 9, 2004, in the above captioned matter.

6. Appended hereto as **Exhibit E** are true and accurate copies of the cited pages from the Transcript of the Deposition of Jodi R.R. Smith, which testimony was taken on October 22, 2004, in the above captioned matter.

7. Appended hereto as **Exhibit F** is a true and accurate copy of Plaintiff's federal trademark registration information as provided by the US Patent and Trademark Office TESS Database.

8. Appended hereto as **Exhibit G** are true and accurate copies of Plaintiff's Schedule C Federal tax returns from the years, 2001, 2002, and 2003, as provided by Plaintiff.

9. Appended hereto as **Exhibit H** is a true and accurate copy of the cover and spine of the hardcover version of Plaintiff's book, titled, "Social Savvy, A Teenagers Guide to Feeling Confident In Any Situation."

10. Appended hereto as **Exhibit I** is a true and accurate copy of the cover and spine of the softcover version of Plaintiff's book, titled, "Social Savvy, A Handbook For Teens Who Want to Know What to Say, What to Do and How to Feel Confident In Any Situation."


11. Appended hereto as **Exhibit J** are true and accurate copies of the covers and spines of Defendant's books, "The Girl's Guide to Social Savvy" and "The Guy's Guide to Social Savvy."

12. Appended hereto as **Exhibit K** is a true and accurate copy of a schedule titled "A Day of Social Savvy with Judith Ré at the Ritz-Carlton, Boston."

13. Appended hereto as **Exhibit L** is a true and accurate copy of an invoice on letterhead titled, "JRA, The Judith Ré Academie Instruction in Business Etiquette and Social Savvy®."

14. Appended hereto as **Exhibit M** is a true and accurate copy of an invoice on letterhead titled "JRA, The Judith Ré Academie", with the words "Social Savvy" in the body of the invoice.

Signed under the pains and penalties of perjury this 23rd day of November, 2004.

  
Erik W. Kahn

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true copy of the above documents upon the undersigned of record for each party by mail to the party.

Date: 11-24-04 192